

**COUNTY COUNCIL**

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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

**MEMORANDUM**

October 26, 2012

**TO:** Bernard P. Carvalho, Jr., Mayor  
**FROM:** Jay Furfaro, Council Chair   
**RE:** **OCTOBER 24, 2012, COUNCIL MEETING**

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**CONSENT CALENDAR:**

C 2012-408 Communication (10/05/2012) from the Budget and Purchasing Director, transmitting for Council consideration, amendments to Ordinance No. B-2012-736, as amended, relating to the Fiscal Year 2012-2013 Operating Budget and Ordinance No. B-2012-737, as amended, relating to the Fiscal Year 2012-2013 Capital Budget to reduce the Capital Improvement Projects (CIP) funding level for three (3) FEMA eligible projects due to the recent approval of FEMA reimbursements. *(Received for the Record.)*

C 2012-409 Communication (10/12/2012) from Council Chair Furfaro, transmitting for Council consideration a proposed Ordinance Amending Ordinance No. B-2012-736, as amended, relating to the Fiscal Year 2012-2013 Operating Budget, to provide a \$31,000.00 grant administered by the Office of the Mayor for the Teen Court Program. *(Received for the Record.)*

C 2012-410 Communication (10/18/2012) from Council Chair Furfaro, transmitting for Council consideration, A Proposed Bill For An Ordinance Relating to General Provisions Relating to Finance, Establishing a Reserve Fund and a Reserve Fund Policy. *(Received for the Record.)*

**COMMUNICATIONS:**

C 2012-411 Communication (09/24/2012) from Council Chair Furfaro, requesting the presence of the County Engineer to provide an update to the Council on the status of the Kapaia Swinging Bridge repairs. This briefing should include but not be limited to, permitting issues and conditions placed on the County by the State Historic Preservation Division. *(Received for the Record.)*

C 2012-412 Communication (10/05/2012) from the Fire Chief, requesting Council approval to expend approximately \$5,400.00 from the Prevention Bureau's

Equipment Account for a 10kw generator to be used with the new educational/safety trailer. *(Approved.)*

C 2012-413 Communication (10/08/2012) from the Director of Budget and Purchasing, transmitting for Council information, FY 2012-2013 1<sup>st</sup> Quarter Statement of Equipment Purchases, pursuant to Section 17 of the Operating Budget Ordinance No. B-2012-736. *(Received for the Record.)*

C 2012-414 Request (10/17/2012) from the Office of the County Attorney for authorization to expend up to \$75,000 for special counsel's continued services provided in County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters. *(Approved.)*

C 2012-415 Request (10/17/2012) from the Office of the County Attorney for authorization to expend funds up to \$15,000.00 for special counsel's continued services provided in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. *(Approved.)*

#### LEGAL DOCUMENT:

C 2012-385 Communication (08/28/2012) from the Civil Defense Manager, recommending Council approval for the second amendment, five (5) year lease agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuilono Park Trust Estate, which extends the lease of the County's 800 MHz radio site located at Kukuilono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, which license fee will be paid in incremental increases of three percent (3%) each year for the five (5) year period commencing July 1, 2012.

- Second Amendment of License Agreement

*(Deferred.)*

C 2012-416 Communication (10/18/2012) from Ian Jung, Deputy County Attorney, recommending Council approval to acquire Lot 1-C (Ibbs Subdivision), Waipouli, Kawaihau, Kaua'i, Hawai'i through an Exchange Deed with Ryan Richard Rutt, Jennifer Anne Rutt, Kenneth G. Barker, as trustee of the Kenneth G. Barker Trust dated March 20, 2008, Melissa A. Barker, as trustee of the Melissa A. Barker Trust dated March 20, 2008, Harvey L. Cohen, as trustee of The Cohen Family Trust under unrecorded Trust Agreement dated July 24, 2008, Frank Mashevich, LTJ Colby Properties Hawai'i LLC, Patrick L. Ibbs, and Stephanie A. Ibbs, as previously approved by the Council through Resolution No. 2008-3

- Exchange Deed (TMK: (4) 4-4-004-028 (por.), TMK: (4) 4-4-004:003 (por.), TMK: (4) 4-4-004:053 (por.)

*(Approved.)*

#### CLAIMS:

C 2012-417 Communication (10/01/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Insurance, as

subrogee of Diane C. Cooke, for damage to her vehicle, pursuant to Section 23.06 Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2012-418 Communication (10/09/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Christopher J. Gandeza, for damage to his vehicle, pursuant to Section 23.06 Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2012-419 Communication (10/10/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Island Utility Cooperative, for damage to their property, pursuant to Section 23.06 Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2012-420 Communication (10/11/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Wally Iwasaki, for personal injury, pursuant to Section 23.06 Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: **APPROVED.**

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2454) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND – CIP (FEMA Reimbursement) ***(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 11/28/2012, and referred to the Committee of the Whole.)***

Proposed Draft Bill (No. 2455) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (FEMA Reimbursement) ***(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 11/28/2012, and referred to the Committee of the Whole.)***

Proposed Draft Bill (No. 2456) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$31,000.00 Teen Court Grant) *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 11/28/2012, and referred to the Committee of the Whole.)*

Proposed Draft Bill (No. 2457) - A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE, ESTABLISHING A RESERVE FUND AND A RESERVE FUND POLICY *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 11/28/2012, and referred to the Committee of the Whole.)*

#### BILLS FOR SECOND READING:

Bill No. 2446, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES *(See also CR-HTE 2012-12; the Housing / Transportation / Energy Conservation & Efficiency Committee recommended approval as amended to Draft 1 on October 17, 2012.) (Approved.)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council  
Via: e-mail: KCT Department Heads  
KCT CCs  
Staff